

The Honorable James L. Robart

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICROSOFT CORPORATION, a Washington
corporation,

Plaintiff,

v.

MOTOROLA, INC., MOTOROLA MOBILITY
LLC, and GENERAL INSTRUMENT
CORPORATION,

Defendants.

CASE NO. C10-1823-JLR

DECLARATION OF KEVIN J. POST IN
SUPPORT OF MOTOROLA'S POST-
TRIAL BRIEF REGARDING THE
GOOGLE-MPEG LA AVC LICENSE
AGREEMENT

DECLARATION OF KEVIN J. POST IN SUPPORT OF
MOTOROLA'S POST-TRIAL BRIEF REGARDING THE
GOOGLE-MPEG LA AVC LICENSE AGREEMENT
CASE NO. C10-1823-JLR

SUMMIT LAW GROUP PLLC

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1 I, KEVIN J. POST, declare as follows:

2 1. I am an associate at the law firm of Ropes & Gray LLP, counsel to Motorola
3 Mobility LLC and General Instrument Corporation (collectively “Motorola”)¹, Defendants in this
4 action, and am a member in good standing of the bars of the State of New York and the District of
5 Columbia.

6 2. I submit this declaration in support of Motorola’s Post-Trial Brief Regarding the
7 Google-MPEG LA AVC License Agreement, submitted concurrently herewith.

8 3. Attached as Exhibit A is a true and correct copy of a May 11, 2010 e-mail from
9 Ryan Rodriguez at MPEG LA to Laura Majerus at Google showing a subject of “RE: AVC
10 payment received – Google Inc. (Thread:14698),” attaching a draft letter entitled “Google AVC
11 Affiliate Letter 11May2010.doc,” which were produced bearing consecutive production numbers
12 GGMM-00032971-75.

13 4. Attached as Exhibit B is a true and correct copy of a June 15, 2012 letter sent via e-
14 mail from Shane P. Cramer, Danielson Harrigan Leyh & Tollefson LLP, to David Perlson, Quinn
15 Emanuel Urquhart & Sullivan, LLP, regarding “Microsoft-Google AVC/H.264 Patent Portfolio
16 License,” which was produced bearing production numbers GGMM-00026502-03. **[FILED**
17 **UNDER SEAL]**

18 5. Attached as Exhibit C is a true and correct copy of an August 16, 2012 letter sent
19 via e-mail from David A. Perlson, Quinn Emanuel Urquhart & Sullivan, LLP, to Shane P. Cramer,
20 Danielson Harrigan Leyh & Tollefson LLP, regarding “Google AVC / H.264 Patent Portfolio
21 License.” **[FILED UNDER SEAL]**

22 6. Attached as Exhibit D is a true and correct copy of a September 5, 2012 letter sent
23 via e-mail from Horacio E. Gutierrez, Microsoft Corp., to Kirk W. Dailey, Motorola Mobility,
24

25 ¹ As noted in the Brief, Motorola Solutions, Inc., which is now independent from Motorola Mobility and General
26 Instrument, takes no position on the issues raised in Motorola’s Post-Trial Brief Regarding the Google-MPEG LA
AVC License Agreement.

1 Inc., regarding correspondence between the parties surrounding Google's MPEG LA AVC Patent
2 Portfolio License. **[FILED UNDER SEAL]**

3 7. Attached as Exhibit E is a true and correct copy of a draft license agreement dated
4 October 18, 2012, and entitled "SETTLEMENT AND PATENT LICENSE AGREEMENT,"
5 which was sent via e-mail by Kirk Dailey, Google, to Horacio Gutierrez, Microsoft Corp., on that
6 same day. **[FILED UNDER SEAL]**

7 8. Attached as Exhibit F is a true and correct copy of a draft license agreement dated
8 November 11, 2012, and entitled "SETTLEMENT AND PATENT LICENSE AGREEMENT
9 FOR H.264 PROPERTIES AND 802.11 PROPERTIES," which was sent via e-mail by Horacio
10 Gutierrez, Microsoft Corp., to Kirk Dailey, Google, that same day. **[FILED UNDER SEAL]**

11
12
13 I declare under penalty of perjury of the laws of the United States and the State of
14 Washington that the foregoing is true and correct.

15
16 DATED this 14th day of December, 2012.

17
18 

19 _____
Kevin J. Post

CERTIFICATE OF SERVICE

I hereby certify that on this day I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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DATED this 14th day of December, 2012.

/s/ Marcia A. Ripley

Marcia A. Ripley

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